

Message

From: Moutoux, Nicole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=574B3A85014D46D3965B59700A04A55E-NMOUTOUX]
Sent: 4/14/2017 4:40:34 PM
To: Johnson, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d36de0cd8ee14ff6a6aa2f1df9b159f6-KJOHNS05]
Subject: RE: Rosemont letter

No – I was thinking the same thing. This one-pager is not meant to delve into all the details and right now things are quickly evolving. I think we have a meeting scheduled with Alexis late next week. By that point we'll have had the April 18 meeting and hopefully Ted will have something to report back. I think we should let Rob know that we should regroup on Monday, April 24.

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From: Johnson, Kathleen
Sent: Friday, April 14, 2017 9:01 AM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>
Subject: FW: Rosemont letter

Deliberative Process / Ex. 5

Kathleen H. Johnson
Director, Enforcement Division
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75 Hawthorne Street ENF-1
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johnson.kathleen@epa.gov

From: Tomiak, Robert
Sent: Friday, April 14, 2017 7:01 AM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>
Subject: RE: Rosemont letter

One point, one ask, and one recommendation:

- I think you need to speak to the part of the Governors letter that talks about the Corps not issuing a permit until the EPA's concerns (via April 14, 2015 memo) are resolved. The paper seems to go light on the 404 component.

Please send me the April 14, 2015 memo and the State's June 12th response. I fully understand this is a memo that went out from your OW office, but I think we all here at HQ need those two documents for the full picture.

My recommendation is that you lay out options for the Administrator, potentially with pros and cons of each, if appropriate.....rather than characterize this as a "go or no-go" referral decision. For example, one option would be for the Administrator to respond with a letter (drafted by R9) that lends support, but reinforces the need to remedy critical deficiencies. Another option would be for the EPA to commit to hosting a collaborative dispute resolution discussion with USACE and the company. Sure that you all have other thoughts on options as well.....just thinking out loud a bit.

Thanks, Rob

From: Moutoux, Nicole

Sent: Thursday, April 13, 2017 6:24 PM

To: Tomiak, Robert <tomiak.robert@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>

Subject: Re: Rosemont letter

Hi Rob-

Per Kathleen's message below, here is the 1-pager on Rosemont that our Acting RA will send out later today.

Thanks

Nicole

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From: Tomiak, Robert

Sent: Wednesday, April 12, 2017 4:12:00 PM

To: Johnson, Kathleen

Cc: Moutoux, Nicole; Goforth, Kathleen; Suriano, Elaine; Knight, Kelly; Marshall, Tom; Eisenberg, Mindy; Goodin, John; Brush, Jason

Subject: Re: Rosemont letter

Good plan; thanks! Rob

On Apr 12, 2017, at 6:46 PM, Johnson, Kathleen <Johnson.Kathleen@epa.gov> wrote:

I spoke with Alexis about this today. She puts together an email every Thursday and sends to the political team in Washington. She would like to provide the issue paper to the team through the mechanism of her Thursday email. FYI, yesterday, we hosted Ken Wagner, who is a newly installed political serving as a Regional Liaison to the Administrator. She gave Ken a heads up on this issue when he was here yesterday.

We had created a one-pager on this to put in a briefing book for our new (anticipated) RA. We can dust off that paper and add the latest info.

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From: Tomiak, Robert
Sent: Wednesday, April 12, 2017 4:17 AM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Goforth, Kathleen <Goforth.Kathleen@epa.gov>
Cc: Suriano, Elaine <Suriano.Elaine@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: Re: Rosemont letter

One follow up thought: would also appreciate your thoughts on who should forward an issue paper...OW, OECA, or R9....

Thanks, Rob

On Apr 12, 2017, at 7:12 AM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

Very helpful; I appreciate the update. Given the visibility, I think we need to provide a status update to Byron; perhaps a one page issue paper. I will vet whatever you all draft with OW here before anything is sent forward by either of us.

Thanks, Rob

On Apr 11, 2017, at 3:08 PM, Moutoux, Nicole <Moutoux.Nicole@epa.gov> wrote:

Hello all

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please feel free to call us with any questions or if you'd like more information.

Thanks
Nicole

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From: Tomiak, Robert
Sent: Friday, April 07, 2017 5:18 AM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Rosemont letter

My first read of the letter led me to check in with Mindy Eisenberg (OW) who indicated that Jason Brush (I assume he's in your OW section?) is coordinating, so please, if appropriate, loop him in as well.

Kelly and Tom are out today, but Elaine and I could be available before noon (est); I have to head over to CEQ NLT 12:30.

It would be helpful if you have the following and can send in advance:

- ? Our DEIS and FEIS comments letter
- ? The letter R9 sent to USACE regarding the 404 permit concerns
- ? A summary of discussions R9 and USACE's DE have had since then, and where both agencies stand on a response to the State rebuttal

If you all have an outline of a proposed way ahead, that would also be helpful. I'll also look for you all to signal to me/Mindy that engagement with USACE HQ would be helpful.

Thanks, Rob

From: Moutoux, Nicole
Sent: Thursday, April 06, 2017 5:54 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Rosemont letter

Ok – please let me know a good time and number and we'll call you.

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From: Tomiak, Robert
Sent: Thursday, April 06, 2017 2:51 PM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
Subject: Re: Rosemont letter

I don't think Kelly will be in, but yes, let's discuss.

Rob

On Apr 6, 2017, at 5:46 PM, Moutoux, Nicole <Moutoux.Nicole@epa.gov> wrote:

Hi Rob-

Thanks for the conversation today. I know you are all are juggling a lot – I think it helps for staff to hear the context. On another note, I'm checking in on Rosemont. We received a copy of a letter sent to Administrator Pruitt from AZ governor and there are few other things going on related to the project. Are you and Kelly available tomorrow to speak with me and Kathy Goforth.

Thanks
Nicole

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